

Exhibit 3

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KEKER & VAN NEST

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 INTERTRUST TECHNOLOGIES  
CORPORATION, a Delaware corporation,  
16 Plaintiff,

17 v.

18 MICROSOFT CORPORATION, a  
19 Washington corporation,  
20 Defendant.

21 AND COUNTER ACTION.  
22

Case No. C 01-1640 SBA (MEJ)

Consolidated with C 02-0647 SBA

[PROPOSED] FURTHER CASE  
MANAGEMENT ORDER

Plaintiff's Counsel is directed to serve this  
order upon all other parties in this action.

Filed By  
Fax & File

23  
24 On October 31, 2002, this Court conducted a further telephonic Case Management  
25 Conference. Pursuant to that conference, the Court ORDERS:

26 SELECTION OF CLAIMS TO BE CONSTRUED

27 The following twelve claims have been selected to be the subject of a "mini-Markman"  
28 and "indefiniteness" hearing:

1  
[PROPOSED] FURTHER CASE MANAGEMENT ORDER  
CASE NO. C 01-1640 SBA (MEJ), CONSOLIDATED WITH C 02-0647 SBA

1 Patent No. 6,253,193 B1: Claims 1, 11, 15 & 19  
 2 Patent No. 6,157,721: Claims 1 & 34  
 3 Patent No. 5,917,912: Claims 8 & 35  
 4 Patent No. 5,920,861: Claim 58  
 5 Patent No. 5,982,891: Claim 1  
 6 Patent No. 6,185,683 B1: Claim 2  
 7 Patent No. 5,892,900: Claim 155

8 SCHEDULE

9 The Court adopts the following schedule:

10	Action to Be Accomplished	Date
11	Patent L.R. 4-1 exchange of proposed terms and claim elements for construction for the Twelve Selected InterTrust Patent Claims	11/08/02
12	Patent L.R. 4-2 exchange of preliminary claim constructions and extrinsic evidence for the Twelve Selected InterTrust Patent Claims	12/20/02
13	Last day for parties to meet and confer for the purpose of preparing joint claim construction statement for the Twelve Selected InterTrust Patent Claims	1/17/03
14	Parties to file Patent L.R. 4-3 joint claim construction statement for the Twelve Selected InterTrust Patent Claims	1/31/03
15	Further Telephonic Case Management Conference (regarding format and length of <u>Markman</u> hearing and briefing)	2/13/03 2:30 p.m.
16	Completion of claim construction discovery pursuant to Patent L.R. 4-4 for the Twelve Selected InterTrust Patent Claims (other than depositions of declarants)	2/28/03
17	File and serve opening claim construction brief(s) pursuant to Patent L.R. 4-5(a) for the Twelve Selected InterTrust Patent Claims	3/17/03
18	File and serve Motion(s) for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	3/17/03
19	File and serve opposition brief(s) pursuant to Patent L.R. 4-5(b) for the Twelve Selected InterTrust Patent Claims	4/7/03
20	File and serve Opposition to any Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	

	Date
1 <del>Ammon, The Be Eaker</del>	
2 File and serve reply claim construction brief(s) pursuant to Patent L.R.	4/21/03
3 4-5(c) for the Twelve Selected InterTrust Patent Claims	
4 File and serve Reply on any Motion for Partial Summary Judgment (for	4/21/03
5 one or more of the Twelve Selected InterTrust Patent Claims) on issue	
6 of indefiniteness under 35 U.S.C. § 112(2)	
7 Patent L.R. 4-6 claim construction hearing (and, possibly, technology	May 12, 29,
8 tutorial) for Twelve Selected InterTrust Patent Claims and Motion for	& 30, 2003
9 Partial Summary Judgment (for one or more of the Twelve Selected	
10 InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. §	
11 112(2)	
12 Further Case Management Conference	45 days
13	after
14	Ruling(s)

OTHER MATTERS DISCUSSED

The Court defers consideration of the format of the Markman and/or indefiniteness hearing, and of the length and number of briefs, to the February 13, 2003 Further Case Management Conference. The parties shall address these issues in their Further Case Management Conference Statement.

IT IS SO ORDERED.

DATED: November 5, 2002



Hon. Sandra R. Armstrong  
United States District Judge

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On November 7, 2002, I served the following document(s):

NOTICE OF ENTRY OF FURTHER CASE MANAGEMENT ORDER

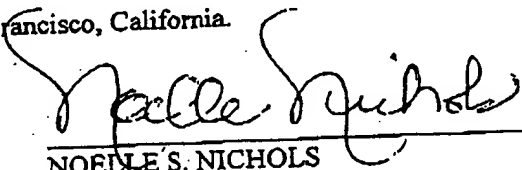
☒ by FACSIMILE TRANSMISSION (IKON) AND UNITED STATES MAIL, by placing a true and correct copy with IKON Office Solutions, the firm's in-house facsimile transmission center provider, for transmission on this date. The transmission was reported as complete and without error. A true and correct copy of same was placed in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 7, 2002, at San Francisco, California.

  
NOELLE S. NICHOLS